

Tips for reviewing and commenting on the State Integrated Report under the Clean Water Act

Overview:

The Clean Water Act (CWA) requires that each state establish water quality standards to meet the goal to “restore and maintain the chemical, physical, and biological integrity of the Nation’s waters” (33 U.S.C §1251(a)). The [water quality standards](#) lay out uses for each waterbody, criteria needed to meet those uses, and protections for those uses.¹

While the water quality standards set a framework for healthy waters, many waterbodies today are impaired or threatened with new or increased sources of pollution. The CWA requires that [states](#) report on these impairments ([Section 303\(d\)](#)), the status of every waterbody ([Section 305\(b\)](#)), and the status of public lakes (Section 314). Collectively, these reports are known as the Integrated Report and they are required to be submitted every 2 years to the U.S. Environmental Protection Agency (EPA).

Opportunity:

Before the reports are submitted to the EPA, they are released to the public for review and comment. This is a great opportunity for local groups and individuals to review their state’s assessment of their local waterways and to highlight issues or missing information. Local watershed and community organizations are the eyes and ears for their waterways and they have an integral role in achieving the goals of the clean water act. Anyone can submit comments! Whether it is a few sentences or several pages - if you have information to share, share it!

Guidance for Reviewing your State’s Integrated Report

The information below is meant to be a general guide to reviewing your state’s Integrated Report (IR) by highlighting some key questions to ask yourself as you make your way through the report. Note that each state’s report will be slightly different and this list is in no way all-encompassing of everything you may see during your review.

Before review:

- Look up your local waterbody’s water quality standards to gain a basic understanding of the current [designated uses](#). This will come in handy when reviewing the assessment status and give you a bigger picture of the needs of your waterbody.

¹ See [Appendix A](#) below for more information.

- Submit your data: States should have an established mechanism to allow for public data submission for possible inclusion in the Integrated Report. They will often have an open call and some guidelines in place for what level of data they can accept and use for the report.
 - Keep an eye out for your state’s assessment methodology. Each state has to adopt an assessment methodology for their IR; most of the time the methodology stays the same and it can indicate where/when the state accepts data. The methodology also has to go out for public notice and comment when the state starts its assessment process.

General/Process-Based Questions:

- The IR’s are due on April 1st of even numbered years. However, states are often late in submitting their reports (some by several years!)². Has your state submitted their most recent IR? What is the last report they submitted?
 - **If they are well overdue, check in and ask how the process is going and when they anticipate submitting the report.**
- Was there a public notice about the comment period? Was the report easily accessible? Is the public commenting process laid out in an understandable way?
 - **Suggest ways to make it more accessible to the public** – Don’t just call out the issues, suggest solutions!
- Is the layout of the report easily navigable?

Does your state have a public notification system? Many states have email notification systems that will alert their subscribers to recent postings and commenting opportunities. Check out your state’s website and sign up!

General Assessment or Listing Questions:

- Does the report provide explanations, justifications, or rationale behind a categorization (determination of impaired or attaining)? Is enough narrative information provided to understand the listings/de-listings or assessments?
 - According to the EPA², states should include enough information for the reviewer to understand why a change has been reported, such as a de-listing from impaired to attaining status. Including this information not only helps the general public, but will also reduce back-and-forth with the EPA.
 - Not enough information provided? **Ask for it!**

Waterbody-specific Questions:

- Locate your local stream segments within the report and confirm that what you’re seeing matches with the state’s assessment or characterization.

² EPA Memo for 2022 IR: https://www.epa.gov/sites/production/files/2021-04/documents/final_clean_ir_memo_and_cover_note_0331signed_0.pdf

- For example, one commenter pointed out that a stream segment was listed as impaired for “grazing related agriculture” when he had never seen livestock in this watershed – it was an urban watershed! Another commenter pointed out that a segment was listed as impaired due to Silviculture (or timber harvesting) when there hasn’t been harvesting for years and couldn’t be the reason for the siltation.
- Are any of your local waterbodies experiencing new or increased recreation? Are those areas listed as impaired for recreational uses? Have those waterbodies been assessed recently?
 - Request a reassessment due to increased recreational uses and inquire about the protections in place for this use. Do they need to be revised?
- Are your exceptional value and high quality waters/special protection waters attaining?
- Are there areas you know of with sources of pollution that are not listed? Are there new developments, on-going construction, or other new sources of potential pollution that the state may not be aware of and that should be investigated as a source of impairment?

Pollution Control Questions:

- Do the impaired waterbodies have a Total Maximum Daily Load ([TMDL](#)) in place? If no, is there an identified timeframe of when the TMDL will be complete?
- For waterbodies with long-established TMDLs that remain impaired, are there plans to extend the TMDL and/or revise it? Is there an explanation for what the state is doing to accelerate implementation of the TMDL?
- What pollution control plans have been established for non-point source pollutants?

Definitions:

1. States: Collectively refer to state, territory, and authorized tribe
2. 303(d) list: List of all impaired waters that each state is required to submit to the EPA every two years.³
3. 305(b) report: States are required to report on the overall condition or status of all waters. Reporting may include the status of the waterbodies as attaining, impaired, or unassessed, and the sources and causes of the impairments. States should also include the control programs in place to address the sources of impairments. Often, the 303(d) list is created out of the 305(b) report.⁴
4. Water Quality Standards: Provisions of state, territorial, authorized tribal or federal law approved by EPA that describe the desired condition of a water body and the means by which that condition will be protected or achieved.⁵
5. Designated Uses: Specific goals or expectations for how a waterbody is or can be used. Uses must be designated for aquatic life and recreation to address the fishable, swimmable goals of the Clean Water Act. Other uses may include public drinking water supply, agricultural, industrial, navigational, etc.³
6. TMDL: Total Maximum Daily Load, or the level of pollution allowed to enter a given waterbody and still achieve water quality standards. Waters that are listed on the 303(d) list as impaired must develop a TMDL.⁶

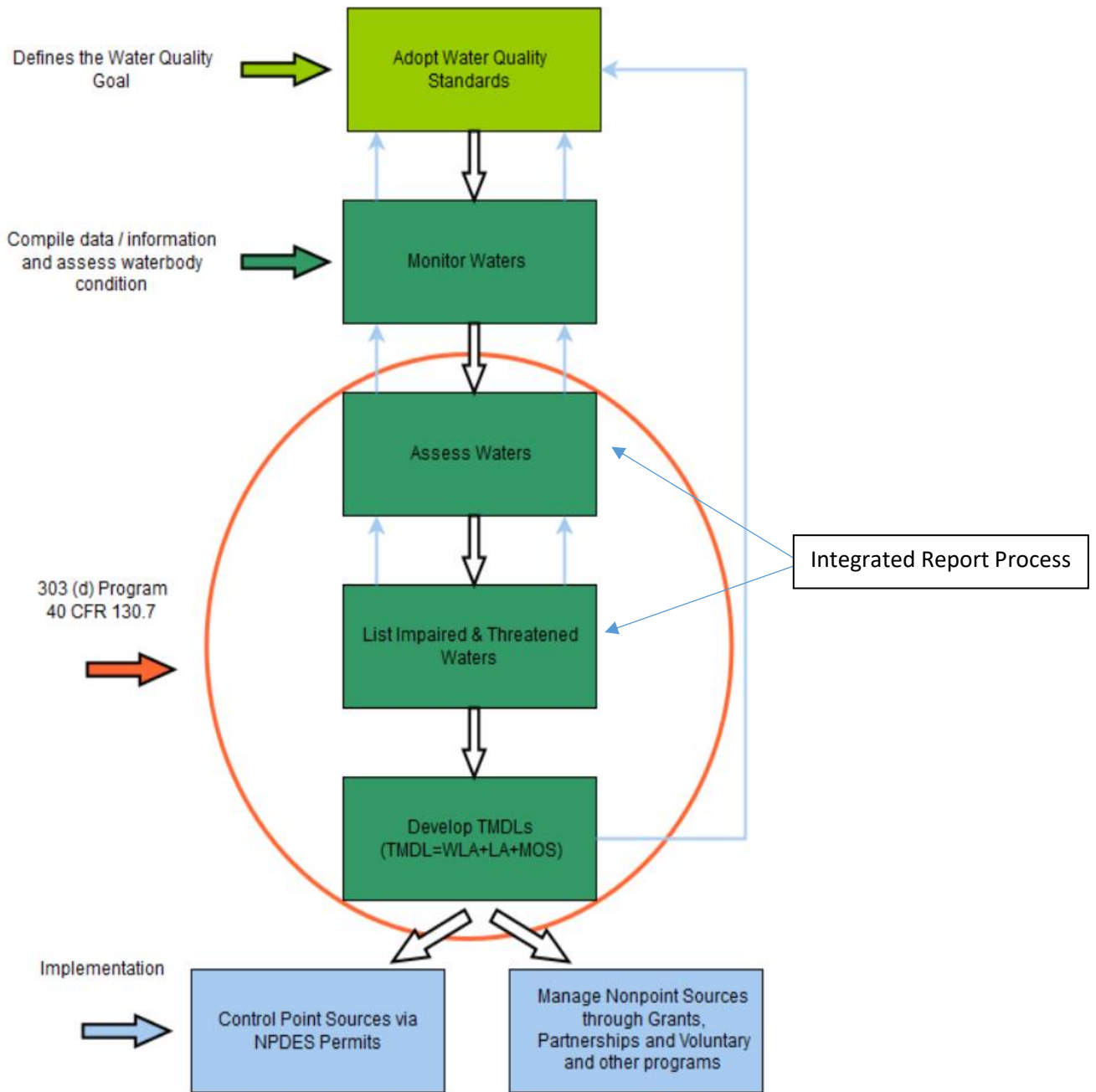
³ <https://www.epa.gov/tmdl/overview-identifying-and-restoring-impaired-waters-under-section-303d-cwa>

⁴ [https://dnrec.alpha.delaware.gov/watershed-stewardship/assessment/reports/#:~:text=The%20305\(b\)%20reports%20and,recreation%2C%20fishing%2C%20or%20drinking.](https://dnrec.alpha.delaware.gov/watershed-stewardship/assessment/reports/#:~:text=The%20305(b)%20reports%20and,recreation%2C%20fishing%2C%20or%20drinking.)

⁵ <https://www.epa.gov/standards-water-body-health/what-are-water-quality-standards>

⁶ <https://www.epa.gov/tmdl/overview-total-maximum-daily-loads-tmdls>

Appendix A: Water Quality-Based Approach to the Clean Water Act



Source: <https://www.epa.gov/tmdl/overview-identifying-and-restoring-impaired-waters-under-section-303d-cwa>